



OFFICE OF THE ATTORNEY GENERAL OF TEXAS

AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable King Fike
County Attorney
Hartley County
Dalhart, Texas

Dear Sir:

Opinion No. 0-948
Re: Transfer of territory from one
independent school district to another
school district.

We have your letter of June 7 requesting our opinion
upon a question stated in substance as follows:

May the County Board of School Trustees transfer
territory from one independent school district to another
independent school district when such transfer is opposed by
the trustees of the independent school district from which
such territory is to be detached and is also opposed by a
majority of the qualified voters of such district.

Our answer to your question is no. In our opinion
Article 2742(f), as amended, Acts 1935, 44th Legislature,
page 790, Chapter 339, Section 2, being a comprehensive statute
providing for detaching territory from one school district and
attaching it to another district, and further providing for the
creation of new districts and being the latest legislative
enactment on the subject is controlling under the facts set
out in your letter. This statute among other things provides
as follows:

"And provided further that before any portion of any
district has any part thereof detached an election shall
be held at which the qualified tax paying voters of such
district sought to be divided shall first vote by a majority
vote to divide said district and shall define the part of
said original district sought to be detached;"

The law pertaining to your question is fully discussed
in our opinion No. 0-275, written by Honorable Cecil C. Cammack,
Honorable William J. R. King and this writer, addressed to Honorable
Gilbert Smith, County Attorney, Jones County, Anson, Texas,
and approved in conference by this Department; a copy of said
opinion is enclosed herewith.

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Trusting that the above satisfactorily answers your question, we are

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

E. R. Simmons
E. R. Simmons
ASSISTANT

ERS:AMM

ENCLOSURE



APPROVED JUN 29, 1939

Gerald B. Mann

ATTORNEY GENERAL OF TEXAS